IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9001 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHUPENDRA J DAVE

Versus

CONSERVATOR OF FORESTS

Appearance:

1. Special Civil Application No. 9001 of 1990

MR PV HATHI for Petitioner No. 1

MS. MANISHA LAVKAUMAR, AGP for Respondent No. 1,3

RULE SERVED for Respondent No. 2

MRS SANGEETA N PAHWA for Respondent No. 4

MR HJ NANAVATI for Respondent No. 5-9

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 05/04/2002

ORAL JUDGEMENT

The petitioner's grievance is that though he belonged to Junagadh Circle and he was seniormost in that

Circle as a Forest Guard in the year 1982, just because he was posted at Dhangadhra, which according to the petitioner, was also under Junagadh Circle, his juniors were promoted to the post of Forester.

2. According to the respondent, the post of Forest Guards of various Circles were combined around 1983 and the petitioner, therefore, did not remain the seniormost in the combined cadre of Forest Guards. The petitioner even before 1983 was not in Junagadh Circle but he was in Dhangadhra Wild Life Circle. It appears that the petitioner had made a representation on 17th August, 1989 claiming that on the basis of seniority as a Forest Guard in Junagadh Circle, he ought to have been promoted earlier.

3. In the affidavit-in-rejoinder filed by the petitioner on 20th February,2002, he has pointed out an instance where one Shri Bajania who was junior to him and in Dhangadhra Circle, in which the petitioner was serving, was promoted as a Forest Guard from 1st September,1977 and as a Forester from 29th November, 1982.

4. After some arguments, it was felt that in view of the fact that the petitioner's seniority position in Dhangadhra Circle or in Junagadh Circle was not finally considered by the authority concerned, despite his representations, it would be appropriate for the Conservator of Forests, Junagadh Circle to reconsider the matter on the basis of the fresh representation that the petitioner will make within two weeks as stated by his learned Counsel. The learned Assistant Government Pleader stated that if such a representation is made, the Conservator of Forests, Junagadh Circle, shall consider the same in accordance with law and take an appropriate decision in the matter.

5. It is, therefore, directed that on a representation being made by the petitioner within two weeks on the subject matter of this petition, the respondent-Conservator of Forests, Junagadah Division, shall consider the same and take an appropriate decision on it in accordance with law within 8 weeks from the date of the receipt of such application. Subject to these directions, the petition is rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

(R.K.Abichandani,J.)

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